

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MILDRED SHOWS

PLAINTIFF
CASE NO. 3:15-cv-756 HTW-LRA

v.

FOCUS RECEIVABLES MANAGEMENT, LLC.

DEFENDANT

NOTICE OF REMOVAL

NOW INTO COURT, through undersigned counsel, comes defendant, Focus Receivables Management, LLC. ("FRM"), which hereby removes from the Circuit Court of Simpson County, the following described lawsuit, and respectfully states as follows:

1. FRM is the only defendant in a civil action filed by plaintiff, Mildred Shows, in the Circuit Court of Simpson County, captioned as *Mildred Shows v. Focus Receivables Management, LLC.*, Case No. 2015-245 (hereinafter the "State Court Action").
2. Pursuant to 28 U.S.C. §§ 1441 and 1446, FRM removes the State Court Action to this Court, which is the federal judicial district in which the State Court Action is pending.
3. The complaint in the State Court Action (hereinafter the "State Court Action Complaint") alleges that since June of 2015, plaintiff has received numerous debt collection telephone calls even though she does not owe any debt. Compl. ¶¶ 4-11.
4. Plaintiff asserts claims under the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.*, as well as various common law claims. Compl. ¶¶ 14-30

5. Removal of the State Court Action is proper under 28 U.S.C. § 1441. If the action had originally been brought in this Court, this Court would have original, federal question jurisdiction over plaintiff's TCPA claims per 28 U.S.C. § 1331 and 15 U.S.C. § 1692k. *See Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987) ("state-court actions that originally could have been filed in federal court may be removed to federal court by the defendant").

6. "[W]hen federal law creates a private right of action and furnishes the substantive rules of decision, the claim arises under federal law, and district courts possess federal-question jurisdiction under § 1331." *Mims v. Arrow Fin. Serv. LLC*, 132 S. Ct. 740, 748-49 (2012). The Supreme Court has held that district courts have federal question jurisdiction over private actions brought under the TCPA. *Id.*

7. In addition, the Court has federal question jurisdiction because the claims arise under the Fair Debt Collection Practices Act. *See* 15 U.S.C. § 1692k(d) (federal jurisdiction for a claim brought for any violation occurring within the last year). The Court has supplemental jurisdiction over the common law claims asserted in Plaintiff's Complaint under 28 U.S.C. § 1337(a).

9. FRM was served with summons and the State Court Action Complaint on September 21, 2015. This Notice of Removal is filed within 30 days of receipt of the State Court Action Complaint by FRM and is therefore timely filed under 28 U.S.C. § 1446(b).

10. A copy of all process, pleadings and orders served upon FRM in the State Court Action is being filed with this Notice and is attached hereto as **Exhibit 1**.

11. Immediately following the filing of this Notice of Removal, written notice of the filing of this Notice will be delivered to plaintiff's counsel, as required by 28 U.S.C. § 1446(d).

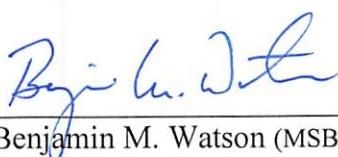
12. FRM will promptly file a copy of this Notice with the Clerk of the Circuit Court of Simpson County, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Focus Receivables Management, LLC, removes the case styled *Mildred Shows v. Focus Receivables Management, LLC*, Case No. 2015-245, from the Circuit Court of Simpson County, State of Mississippi, on this 21st day of October, 2015.

Respectfully Submitted,

FOCUS RECEIVABLES MANAGEMENT, LLC

By:



Benjamin M. Watson (MSB #100078)

ITS ATTORNEY

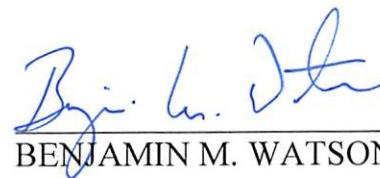
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CERTIFICATE OF SERVICE

I, Benjamin M. Watson, attorney for Defendant Focus Receivables Management, LLC, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via United States Mail and by the means directed by the Court's Electronic Filing System:

Daniel D. Ware, Esq.
Ware Law Firm, PLLC
2609 US Highway 49 South
Florence, MS 39073



BENJAMIN M. WATSON